

**BROWN &
MICHAELS, PC**400 M&T Bank Building
118 North Tioga Street
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607-256-2000

Fax: 607-256-3628

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web: <http://www.bpmlegal.com/>**FACSIMILE TRANSMISSION COVER SHEET**

Date: January 13, 2004
Time: 4:43 PM
From: Justin Wood
To: Examiner Ibrahim
Re: Office Action Response for 09/294,663
Facsimile #: (703) 872-9307
Phone Code: 1328

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Number of Pages (including this cover sheet): 15

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Copy of documents sent 11/26/2003

CERTIFICATE OF FACSIMILE TRANSMISSION**FACSIMILE NO: 1-(703) 872-937****DATE: January 13, 2004**

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner of Patents and Trademarks, to the facsimile number and on the date indicated above.

Justin Wood

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Jan 13 04 05:44p

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p.2

USPTO 11/26/2003 1:36 PM PAGE 1/001 Fax Server
 TO: Auto-reply fax to 6072563628 COMPANY:

Auto-Reply Facsimile Transmission




TO: Fax Sender at 6072563628
 Fax Information
 Date Received: 11/26/2003 1:34:02 PM [Eastern Standard Time]
 Total Pages: 2 (including cover page)

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Received
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 Page

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Nov 26 03 02:32p	Brown & Michaels PC	6072563628	p.1
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BROWN & MICHAELS PC

400 H&T Bank Building
 118 North Toga Street
 Ithaca, New York 14850
 607.256.3628
 Fax: 607.256.3628
 e-mail: hmi@hmiweb.com
 web: http://www.hmiweb.com/

FACSIMILE TRANSMISSION COVER SHEET

Date: November 26, 2003
 Time: 1:15 PM
 From: Thomas T. Aquilla
 To: Examiner Ibrahim
 Re: Office Action Response for 09/294,663
 Facsimile #: (703) 872-9307
 Phone Code: 1725

Number of Pages (including this cover sheet): 2

Only minutes prior to this facsimile transmission, Applicant faxed its Terminal Disclaimer and Office Action Response for 09/294,663. Attached hereto is a copy of the PTO Auto-Reply, confirming receipt of said Response.

However, Applicant's attorney neglected to attach authorization for charging the attorney's Deposit Account. Therefore, Applicant's attorney hereby provides such authorization:

The Commissioner is hereby authorized to charge \$55.00 to cover the Small Entity Statutory Disclaimer fee under 37 C.F.R. 1.20(d), and any additional fees that may be required, or credit any overpayment to Deposit Account No. 02-0910.

Respectfully submitted:

Date: 11/26/2003 By: Thomas T. Aquilla
 Thomas T. Aquilla Registration No. 43,473

CERTIFICATE OF FACSIMILE TRANSMISSION	
FACSIMILE NO: <u>703-872-9307</u>	DATE: <u>11/26/2003</u>
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<u>Thomas T. Aquilla</u> Thomas T. Aquilla	

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PAGE 10 * NOV 26 AT 1:02:32 PM (Eastern Standard Time) * FAX TO: PTO * FAX FROM: 6072563628 * FAX TO: 6072563628 * FAX FROM: 6072563628

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FACSIMILE TRANSMISSION COVER SHEET

Date: November 26, 2003
Time: 1:15 PM
From: Thomas T. Aquilla
To: Examiner Ibrahim
Re: Office Action Response for 09/294,663
Facsimile #: (703) 872-9307
Phone Code: 1328

Number of Pages (including this cover sheet): 2

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Respectfully submitted:

Date: 11/26/2003By: Thomas T. Aquilla
Thomas T. Aquilla Registration No. 43,473**CERTIFICATE OF FACSIMILE TRANSMISSION**FACSIMILE NO: 703-872-9307DATE: 11/26/2003

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Thomas T. Aquilla
Thomas T. Aquilla

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USPTO 11/26/2003 1:23 PM PAGE 1/001 Fax Server
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Auto-Reply Facsimile Transmission



TO:

Fax Sender at 6072563628

Fax Information

Date Received:

11/26/2003 1:19:15 PM [Eastern Standard Time]

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Received
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Page

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Nov 28 03 02:17p	Brown & Michaels PC	6072563628	p. 1
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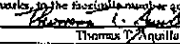
FACSIMILE TRANSMISSION COVER SHEET

Date: November 26, 2003
 Time: 1:15 PM
 From: Thomas T. Aquilla
 To: Examiner Ibrahim
 Re: Office Action Response for 09/294,663
 Facsimile #: (703) 872-9307
 Phone Code: 1328

Number of Pages (including this cover sheet): 9

Faxed with this cover sheet is the following:

Terminal Disclaimers and Office Action Response for 09/294,663

CERTIFICATE OF FACSIMILE TRANSMISSION	
FACSIMILE NO: 203-872-9307	DATE: 11/26/2003
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 Thomas T. Aquilla	

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PAGE 19 * RCVD AT 11/26/03 1:19:15 PM [Eastern Standard Time] * FAX USP TO 607-256-0639 * DNS: 6072563628 * DURATION 00m40.43s

Jan 13 04 05:45p

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HP Fax Series 900
Plain Paper Fax/Copier

Fax History Report for
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6072563628
Nov 26 2003 2:33pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 26	2:32pm	Sent	170387293071328	1:00	2	OK

Result:

OK - black and white fax

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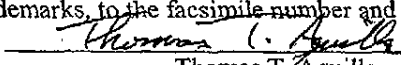
Date: November 26, 2003
Time: 1:15 PM
From: Thomas T. Aquilla
To: Examiner Ibrahim
Re: Office Action Response for 09/294,663
Facsimile #: (703) 872-9307
Phone Code: 1328

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Terminal Disclaimer and Office Action Response for 09/294,663**CERTIFICATE OF FACSIMILE TRANSMISSION**FACSIMILE NO: 703-872-9307DATE: 11/26/2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

November 26, 2003

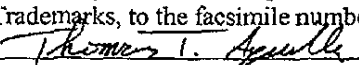
In Re application of: Granados *et al.*
Appeal No.: 2002-2030
Serial No: 09/294,663
Filed: 4/19/99
For: A NOVEL INVERTEBRATE INTESTINAL MUCIN cDNA
AND RELATED PRODUCTS AND METHODS
Art Unit: 1638
Examiner: Ibrahim, Medina Ahmed
Confirmation Number: 6379
Attorney Docket No.: BTI-39CIP

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Washington, D.C. 20231

TERMINAL DISCLAIMER

The owner, Boyce Thompson Institute for Plant Research, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 6,187,558. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

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 Thomas T. Aquilla	

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record. The terminal disclaimer fee under 37 CFR § 1.20(d) is included. The PTO suggested wording for this terminal disclaimer is unchanged.

Respectfully submitted:


-- Thomas T. Aquilla, Reg. No. 43,473 --
Attorney for Applicant

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400 M&T Bank Building - 118 N. Tioga St.
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Dated: November 26, 2003

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Fax History Report for
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Nov 26 2003 2:20pm

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Nov 26	2:17pm	Sent	170387293071328	2:44	9	OK

Result:

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